

EXHIBIT**B**

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

CECILIA LYNCH HAMMOND)

Plaintiff,)

vs.)

DE JESUS HERNDANDEZ HIRAM,)
 AVILES-ROBBINS TRUCK LEASING)
 LLC, MANUEL MENDOZA SANTIAGO,)
 USI INSURANCE SERVICES LLC, and)
 STATE NATIONAL SPECIALITY)
 INSURANCE COMPANY,)

Defendants.)

Civil Action File No.: 22EV006607

CONSENT MOTION TO DISMISS
DEFENDANT USI INSURANCE SERVICES LLC

Plaintiff and Defendant USI Insurance Services LLC (“USI”), hereby request that the Court dismiss all claims by Plaintiff against USI without prejudice and dismiss USI from this action without prejudice. This dismissal arises because USI is not the issuer of any policy of insurance for any other named Defendant in this suit. At this time, USI has not yet filed a responsive pleading and no crossclaims are pending by or against USI. Dismissal of USI is not intended to affect Plaintiff’s claims against the remaining Defendants. Because the dismissal without prejudice of Defendant USI will dismiss less than all Defendants, a Court Order is necessary pursuant to O.C.G.A. §§ 9-11-21 and 9-11-41(a), and *Manning v. Robertson*, 223 Ga. App. 139, 476 S.E.2d 889 (1996). Therefore, Plaintiff and USI respectfully request that the Court Grant this Consent Motion to Dismiss and dismiss Defendant USI Insurance Services LLC from this action.

A proposed order is attached as Exhibit A.

Respectfully submitted this 24th day of February, 2023.

MITCHELL E MCGOUGH LAW, LLC.

/s/Mitchell E. McGough

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Signed with express permission

**PARKER, HUDSON, RAINER & DOBBS,
LLP**

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*Counsel for Defendant USI Insurance Services
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **CONSENT MOTION TO DISMISS DEFENDANT USI INSURANCE SERVICES LLC** upon counsel using the eFileGa/Odyssey electronic filing system, which sent an automatic notification of the filing to the counsel and contacts of record.

This 24th day of February, 2023.

/s/ Chase C. Lyndale
Chase C. Lyndale

EXHIBIT A

**IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

CECILIA LYNCH HAMMOND

Plaintiff,

vs.

DE JESUS HERNDANDEZ HIRAM,
AVILES-ROBBINS TRUCK LEASING
LLC, MANUEL MENDOZA SANTIAGO,
USI INSURANCE SERVICES LLC, and
STATE NATIONAL SPECIALITY
INSURANCE COMPANY,

Defendants.

Civil Action File No.: 22EV006607

[PROPOSED] ORDER OF DISMISSAL OF USI INSURANCE SERVICES LLC

Plaintiff and Defendant USI Insurance Services LLC (“USI”) having moved this Court to dismiss USI from this action, and good cause having been shown, the Court hereby dismisses without prejudice all claims asserted in this matter by Plaintiff against USI and dismisses USI from this action without prejudice. Plaintiff and USI shall each bear their own attorney fees and costs.

SO ORDERED THIS ____ day of _____, 2023.

Honorable Judge Jay M. Roth